

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Serguei SOUKHAREV et al.
Title: FLUORESCENT SUBSTRATES FOR DETECTING
ORGANOPHOSPHATASE ENZYME ACTIVITY
Appl. No.: 10/553,650
International Filing Date: 3/16/2004
371(c) Date:
Examiner: Bernard I. Dentz
Art Unit: 1625
Confirmation Number: 3746

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed January 5, 2007 in connection with the captioned application. Because this response is being filed within one month of the mailing date of the January 5th Office Action, it is timely filed.

The Office Action requires restriction between the following four groups of claims:

- Group I: Claims 57-64, drawn to coumarinyl-7-phosphates;
- Group II: Claims 65-85, drawn to a method for specifically detecting and/or measuring the activity of an organophosphate enzyme;
- Group III: Claims 85-95 drawn to fluorescein phosphates; and
- Group IV: Claims 96-98 drawn to a method for specifically and selectively detecting and/or measuring the activity of an organophosphatase enzyme.

According to the Office Action, these groups “are independent or distinct.” In addition, the Office Action requires Applicants to “elect a single disclosed species to which the claims will be limited in case no generic claim is found to be allowable.”

Applicants provisionally elect Group I, claims 57-64, drawn to compounds of formula I, with traverse. In addition, Applicants elect DEPFMU (di-ethyl phospho 6,8-difluoro-4-methylumbelliferyl) as the species. *See* Spec. at ¶ [0022]; Figure 1. Claims 57-63 read on the elected species. Applicants understand that examination will be extended to non-elected species upon the elected species being found allowable.

The instant restriction requirement is not proper because examination of at least Groups I and II does not constitute a “serious burden.” As stated in the MPEP, “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.” MPEP § 803 (emphasis added). Here, search and examination of all claims would not constitute a “serious burden,” because the claims recite nearly the same compounds. For at least this reason, Applicants respectfully request withdrawal of this restriction requirement.

Finally, Applicants note that there appears to be a typographical error in the claims identified in some of the groups. Specifically, claim 85 is listed as being included in both Groups II and III. Applicants understand that claim 85 should be in only Group II.

Respectfully submitted,

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